

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

United States Courts  
Southern District of Texas  
FILED

APR - 2 2009

Michael N. Milby, Clerk of Court

RANDY ARGO,

Plaintiff,

VS.

BRAZORIA COUNTY, TEXAS, *et al.*,

Defendants.

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CIVIL ACTION NO. G-07-488

**JURY QUESTION NO. 1**

Has Randy Argo proven, by a preponderance of the evidence, that Deputies Fortenberry or Wood arrested or detained him without probable cause, beyond the limits of their lawful authority under the law of the State of Texas?

Answer "Yes" or "No" as to each defendant.

Defendant Fortenberry:

no

Defendant Wood:

no

If you answered "Yes" to Question Number 1, then answer Question Number 3.

**JURY QUESTION NO. 2**

Has Randy Argo proven, by a preponderance of the evidence, that Deputies Fortenberry or Wood used excessive and unnecessary force in arresting him?

Answer "Yes" or "No" as to each defendant.

Defendant Fortenberry:

no

Defendant Wood:

yes

If you answered "Yes" to Question Numbers 1 or 2, then answer Question Number 3. If you answered "No" to Question Numbers 1 and 2, you do not need to answer more questions.

**JURY QUESTION NO. 3**

Have the defendants proven by a preponderance of the evidence that they had a reasonable belief that their actions did not violate Randy Argo's constitutional rights?

Answer "Yes" or "No" as to each defendant.

Defendant Fortenberry: \_\_\_\_\_

Defendant Wood: no

If you answered "No" to Question Number 3 as to either defendant, then you must answer Question Number 4 as to that defendant.

**JURY QUESTION NO. 4**

What amount of damages, if any, has Randy Argo proven by a preponderance of the evidence were proximately caused by the defendants' actions, if any, that violated Randy Argo's constitutional rights? Consider only damages for past physical pain and mental anguish, if any.

Answer in dollars and cents as to each defendant.

Defendant Fortenberry: - 0 -

Defendant Wood: \$ 500.00

ORIGINAL SIGNATURE ON FILE

JURY FOREMAN

April 2, 2009  
Date